

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
*2063*  
NO. 5:07-HC-~~217~~-BO

UNITED STATES OF AMERICA, )  
Petitioner, )  
 )  
v. ) ORDER  
 )  
 )  
KEVIN MCGREEVY, )  
Respondent. )

This matter is before the court on respondent's September 11, 2007, motion to dismiss the petition against him. (D.E. #10) The motion was filed prior to the Supreme Court's opinion in United States v. Comstock, \_\_\_\_ U.S. \_\_\_\_, 130 S. Ct. 1949 (2010), and on June 22, 2010, respondent filed a second motion to dismiss, limited to the issues of whether 18 U.S.C. § 4248 "or its application denies equal protection of the laws, procedural or substantive due process, or any other rights guaranteed by the Constitution[.]" Comstock, 130 S. Ct. at 1965. (6/22/10 Mot. Dismiss at 2)

The September 11, 2007, motion to dismiss is DENIED AS MOOT.

SO ORDERED, this 16 day of August 2010.

Terence Boyle  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE